

**CHAITMAN LLP**

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*Attorneys for Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro No. 10-04539 (CGM)

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

THE GERALD AND BARBARA KELLER  
FAMILY TRUST, and GERALD E. KELLER,  
individually and in his capacity as Trustee of the  
Gerald and Barbara Keller Family Trust,

Defendants.

**NOTICE OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law, Counterstatement of Material Facts, Declaration of Gerald Keller executed on August 16, 2021 and exhibits thereto and Declaration of Helen Davis Chaitman executed on August 16, 2021, and exhibits thereto, and upon all prior pleadings and proceedings herein, Defendants the Gerald and Barbara Keller Family Trust and Gerald E. Keller in his capacity as Trustee of the Gerald and Barbara Keller Family Trust (“Defendants”),<sup>1</sup> move this Court before the Honorable Cecelia G. Morris, United States Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004-1408, for an order granting Defendants’ cross-motion for summary judgment dismissing the case in its entirety pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure and Rule 56 of the Federal Rules of Civil Procedure, together with such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that the Trustee’s papers in opposition to the cross-motion and reply on his motion for summary judgment shall be served and filed on or before September 1, 2021 and Defendants’ reply papers to the Cross-Motion shall be served on or before 4:00 p.m. September 13, 2021. Oral argument on this Cross-Motion is presently scheduled for September 15, 2021 at 10:00 a.m.

Dated: August 17, 2021  
New York, New York

**CHAITMAN LLP**  
By: /s/ Helen Davis Chaitman  
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<sup>1</sup> Defendants Barbara Keller and Gerald E. Keller were dismissed as defendants by order of Judge Bernstein dated July 16, 2015, ECF 39. Barbara Keller as Trustee is no longer a defendant because she died in June 2019 and the Trustee never took the necessary steps to amend the complaint to assert a claim against her Estate.